

1 JOSEPH H. HARRINGTON  
2 Acting United States Attorney  
3 Eastern District of Washington  
4 Stephanie Van Marter  
5 Assistant United States Attorney  
6 Post Office Box 1494  
7 Spokane, WA 99210-1494  
8 Telephone: (509) 353-2767  
9

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA, )  
10 )  
11 Plaintiff, ) 4:15-CR-6049-EFS-10  
12 vs. )  
13 ) United States' Response to  
14 BRITTNEY LEE ZARAGOZA, ) Defendant's Motion to Modify  
15 ) Conditions of Release  
16 )  
17 Defendant. )  
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Plaintiff, United States of America, by and through Michael C. Ormsby, United States Attorney for the Eastern District of Washington, and Stephanie Van Marter, Assistant United States Attorney for the Eastern District of Washington, hereby submits the following response to Defendant's Motion to Modify Conditions or Release (ECF Nos. 401, 408).

On January 11, 2017, the Defendant was released pending trial under both standard and special conditions which included the following: the Defendant shall remain in the Eastern District of Washington, obtain mental health and substance abuse evaluations and follow those recommendations. *See*, ECF No.

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1 277. Since the Court imposed those conditions, the Defendant has reported that  
2 she is pregnant and that her pregnancy is high risk. Defendant now seeks to  
3 modify her conditions of release to allow her to move to the west side of the state  
4 to live in Renton WA with her current boyfriend and expectant father. After  
5 conferring with Probation Officer David McCary, the United States joins his  
6 objection to this requested modification.

7 The United States echoes several concerns raised by Probation and further  
8 submits that the Defendant has failed to present sufficient information that would  
9 overcome those substantial concerns. First, the Defendant has already struggled  
10 on pre-trial release. As reported by probation, prior to the pregnancy the  
11 Defendant was having difficulty with transportation and getting to her required  
12 appointments and meetings. Now with the added concern of a high risk  
13 pregnancy, there appears to be inconsistent information as to the difficulty  
14 additional travel in a vehicle will cause her and the baby. Living on the west side  
15 most certainly complicates that issue. The United States respectfully submits the  
16 information from her Doctor is incomplete and vague and certainly does  
17 not resolve the inconsistent information provided by the Defendant to probation  
18 regarding this issue.

19 Moreover, the Defendant reported to Officer McCary just over a week ago  
20 that her boyfriend was a long haul trucker and as a result, could reside  
21 anywhere. As a result, the Defendant told probation that he was looking for  
22 housing here in this district. Officer McCary was surprised to hear of the instant  
23 motion and even more concerned as this modification removes the Defendant  
24 from the existing services she has in place, takes her farther away from her  
25 existing medical care to a location with less stability. The new proposed  
26 residence has not been reviewed for suitability and according to probation creates

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even more of a transportation difficulty. The United States understands that the  
Defendant's boyfriend has offered to drive her to appointments but the  
practicality of that remains an issue.

Lastly, probation has also been advised that a move to the west side is not supported by the Defendant's immediate family and further there is great concern for the lifestyle surrounding the Defendant not only for her health and sobriety but for the health of her baby. This concern is even greater when there is a report as to her mental health declining.

The Defendant's pre-trial release has already faced instability and difficulty. A move to the west side of the state under these circumstances is likely setting up the Defendant for failure and will create more of an impediment to her access to much needed medical and mental health treatment. The United States objects to the proposed modification and will offer more in support of its objection at the hearing.

DATED this 16th day of May 2017.

Joseph H. Harrington  
Acting United States Attorney

*s/Stephanie Van Marter*

Stephanie Van Marter  
Assistant United States Attorney

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1 CERTIFICATION

2 I hereby certify that on May 16, 2017, I electronically filed the foregoing  
3 with the Clerk of the Court using the CM/ECF System which will send  
4 notification of such filing to the following, and/or I hereby certify that I have  
5 mailed by United States Postal Service the document to the following non-  
6 CM/ECF participant(s):

7 Victor H. Lara, [vh\\_lara@hotmail.com](mailto:vh_lara@hotmail.com)  
8

9 *s/Stephanie J. Van Marter*  
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11 Stephanie Van Marter  
12 Assistant United States Attorney  
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